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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,511	08/03/2000	Behnam S. Katibian	B67933 (044368/0372)	9161

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EXAMINER	
ALI, SYED J	

ART UNIT	PAPER NUMBER
2127	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/631,511	KATIBIAN ET AL.	
	Examiner	Art Unit	
	Syed J Ali	2127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 October 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *21-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *21-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 6, 2004 has been entered.

2. This office action is in response to the amendment filed October 6, 2004. Claims 21-40 are presented for examination.

3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Objections

4. **Claims 30 and 40 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim, or amend the claim to place the claim in proper dependent form, or rewrite the claim in independent form.**

5. Claim 30 discusses changing the amount of one or more of the audio data, the video data, and the control data in the transmission buffer, which does not narrow the parent claim 29 which discusses changing the amount and sequence of data from the audio data buffer, the video data

buffer, and the control data buffer that is stored in the transmission buffer. Claim 40 presents similar concerns with respect to its parent claim 39.

6. **Claim 37 is objected to because of the following informalities:**

a. In line 4 of claim 37, there should be a semicolon after "processor".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

7. **Claims 21-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (USPN 5,991,313) (hereinafter Tanaka) in view of Astle et al. (USPN 6,396,816) (hereinafter Astle).**

8. As per claim 21, Tanaka teaches the invention as claimed, including a system for processing audio and video for a wireless handset comprising:

a plurality of channel buffers, where each channel buffer represents a logically separate channel of data (col. 2 lines 54-65); and

a transmission buffer system receiving priority data and data from one or more of the channel buffers and storing the data from the channel buffers in a transmission buffer (col. 2 line 66 - col. 3 line 15).

9. Astle teaches the invention as claimed, including a controller generating priority data (col. 3 line 66 - col. 4 line 15); and

where the number of channel buffers to receive data from and the amount of data to be received from each channel buffer is determined by the priority data (col. 3 line 66 - col. 4 line 15).

10. It would have been obvious to one of ordinary skill in the art to combine Tanaka and Astle since the transmission of data across wireless networks requires a great deal of efficiency and reliability. In instances where there is an abundance of available bandwidth, there is not a big concern with efficient allocation of resources since all data is likely to be transmitted satisfactorily. However, where there is a bandwidth concern, methods must be taken to efficiently make decisions about whether to give priority to one type of data over another. While Tanaka discusses giving processing priority to audio data over video data (col. 3 lines 28-36), Tanaka does not specify how priority decisions are made or allow them to be changed. Astle provides a mechanism to resolve this by allowing a resource allocation device to generate the priority data (col. 3 line 66 - col. 4 line 15), or alternatively allow a user to specify which type of data should have priority (col. 4 lines 44-57).

11. As per claim 22, Tanaka teaches the invention as claimed, including the system of claim 21 wherein the plurality of channel buffers further comprises an audio data buffer (col. 2 lines 58-64).

12. As per claim 23, Tanaka teaches the invention as claimed, including the system of claim 21 wherein the plurality of channel buffers further comprises a video data buffer (col. 2 lines 55-58).

13. As per claim 24, Tanaka teaches the invention as claimed, including the system of claim 21 wherein the plurality of channel buffers further comprises a control data buffer (col. 2 lines 64-65).

14. As per claim 25, Astle teaches the invention as claimed, including the system of claim 21 wherein the controller generates priority data based on transmission channel bandwidth (col. 3 line 66 - col. 4 line 15).

15. As per claim 26, Astle teaches the invention as claimed, including the system of claim 21 wherein the controller generates priority data based on processor capacity of a wireless handset processor (col. 3 line 66 - col. 4 line 15).

16. As per claim 27, Tanaka teaches the invention as claimed, including the system of claim 21 further comprising:

wherein the plurality of channel buffers further comprises:

an audio data buffer (col. 2 lines 58-64);

a video data buffer (col. 2 lines 55-58); and

a control data buffer (col. 2 lines 64-65).

17. Astle teaches the invention as claimed, including wherein the controller generates priority data based on transmission channel bandwidth and on processor capacity of a wireless handset processor that changes the amount and sequence of data from the audio data buffer, the video data buffer, and the control data buffer that is stored in the transmission buffer (col. 3 line 66 - col. 4 line 15).

18. As per claim 28, Astle teaches the invention as claimed, including the system of claim 21 wherein the controller receives user control data and uses the user control data to generate the priority data (col. 3 line 66 - col. 4 line 15; col. 4 lines 44-57).

19. As per claim 29, Astle teaches the invention as claimed, including the system of claim 27 wherein the controller receives user control data and uses the user control data to generate the priority data that changes the amount and sequence of data from the audio data buffer, the video data buffer, and the control data buffer that is stored in the transmission buffer (col. 3 line 66 - col. 4 line 15; col. 4 lines 44-57).

20. As per claim 30, Astle teaches the invention as claimed, including the system of claim 29 wherein the user control data changes the amount of one or more of the audio data, the video data, and the control data in the transmission buffer (col. 3 line 66 - col. 4 line 15; col. 4 lines 44-57).

21. As per claim 31, Tanaka teaches the invention as claimed, including a method for processing audio and video data for a wireless handset comprising:

storing data in a plurality of channel buffers, where each channel buffer represents a logically separate channel of data (col. 2 lines 54-65); and

storing the data from each selected channel buffer in a transmission buffer (col. 2 line 66 - col. 3 line 15).

22. Astle teaches the invention as claimed, including generating priority data (col. 3 lines 28-36);

determining the number of channel buffers to receive data from based on the priority data (col. 3 line 66 - col. 4 line 15); and

determining the amount of data to be received from each channel buffer by the priority data (col. 3 lines 28-36).

23. As per claim 32, Tanaka teaches the invention as claimed, including the method of claim 31 wherein storing data in the plurality of channel buffers further comprises storing the data in an audio data buffer (col. 2 lines 58-64).

24. As per claim 33, Tanaka teaches the invention as claimed, including the method of claim 31 wherein storing data in the plurality of channel buffers further comprises storing the data in a video data buffer (col. 2 lines 55-58).

25. As per claim 34, Tanaka teaches the invention as claimed, including the method of claim 31 wherein storing data in the plurality of channel buffers further comprises storing the data in a control data buffer (col. 2 lines 64-65).

26. As per claim 35, Astle teaches the invention as claimed, including the method of claim 31 wherein generating priority data comprises generating priority data based on transmission channel bandwidth (col. 3 line 66 - col. 4 line 15).

27. As per claim 36, Astle teaches the invention as claimed, including the method of claim 31 wherein generating priority data comprises generating priority data based on processor capacity of a wireless handset provider (col. 3 line 66 - col. 4 line 15).

28. As per claim 37, Tanaka teaches the invention as claimed, including a method for processing audio and video data for a wireless handset comprising:

storing data in an audio data buffer (col. 2 lines 58-64);

storing data in a video data buffer (col. 2 lines 55-58);

storing data in a control data buffer (col. 2 lines 64-65); and

storing the data from each selected channel buffer in a transmission buffer (col. 2 line 66 - col. 3 line 15).

29. Astle teaches the invention as claimed, including generating priority data based on transmission channel bandwidth and processor capacity of a wireless handset processor (col. 3 line 66 - col. 4 line 15);

determining the number of channel buffers to receive data from based on the priority data (col. 3 line 66 - col. 4 line 15); and

determining the amount and sequence of data from the audio data buffer, the video data buffer, and the control data buffer that is to be stored in the transmission buffer based on the priority data (col. 3 line 66 - col. 4 line 15).

30. As per claim 38, Astle teaches the invention as claimed, including the method of claim 37 further comprising:

receiving user-entered control data (col. 4 lines 44-57); and

generating the priority data from the user-entered control data (col. 3 line 66 - col. 4 line 15; col. 4 lines 44-57).

31. As per claim 39, Astle teaches the invention as claimed, including the method of claim 37 further comprising:

receiving user control data (col. 4 lines 44-57);

generating priority data that changes the amount and sequence of data from the audio data buffer, the video data buffer, and the control data buffer that is stored in the transmission buffer from the user control data (col. 3 line 66 - col. 4 line 15; col. 4 lines 44-57).

32. As per claim 40, Astle teaches the invention as claimed, including the method of claim 39 wherein receiving the user control data comprises receiving user control data that changes the

amount of one or more of the audio data, the video data, and the control data in the transmission buffer (col. 3 line 66 - col. 4 line 15; col. 4 lines 44-57).

Response to Arguments

33. Applicant's arguments with respect to claims 21-40 have been considered but are moot in view of the new grounds of rejection.

Conclusion

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed J Ali whose telephone number is (571) 272-3769. The examiner can normally be reached on Mon-Fri 8-5:30, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai T An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Syed Ali
November 17, 2004

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